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| 10/522,270 | 01/25/2005 | Valerie Liebhold | PA020014 | 8778 |

24498 7590 03/04/2009
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| EXAMINER |
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EKPO, NNENNA NGOZI

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| ART UNIT | PAPER NUMBER |
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2425

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| MAIL DATE | DELIVERY MODE |
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03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/522,270 | Applicant(s) LIEBHOLD ET AL. | |
| | Examiner Nnenna N. Ekpo | Art Unit 2425 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2008 has been entered.

Claim Objections

2. **Claims 1-10** are objected to because of the following informalities:

a) **On line 12 of claim 1, line 10 of claim 4, line 14 of claim 7 and line 10 of claim 10** delete "a" and add --said-- or --the-- before "user" since this is the second time user is being mentioned.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin et al. (U.S. Patent No. 6,446,080) in view of Schrader et al. (U.S. Publication No. 2003/0023975) and Lee et al. (U.S. Patent No. 7,426,537).

Regarding **claims 1, 4 and 10**, Van Ryzin et al. discloses a method for modifying a play list in an audio and/or video apparatus, comprising the steps of (see abstract, lines 1-17):

upon an action introduced by a user, removing the track to be considered and the last occurrence of the track to be considered in the play list displayed in an area (see fig 6 (45) and col. 5, lines 20-46).

However, Van Ryzin et al. fails to specifically disclose displaying in a first area of a screen a representation of at least part of available tracks,

displaying in a second area of the screen at least part of the current play list,
determining a track to be considered upon a first action introduced by a user,
indicating the track to be considered by a specific representation in the first area
of the track to be considered and

several occurrences of the same track in the play list.

Schrader et al. discloses displaying in a first area (see fig 101010)) of a screen a representation of at least part of available tracks (making the video: snoop Dogg, Artist's Favorites: Moby etc) (see fig 10 and paragraph 0099),

displaying in a second area (see fig 10 (1020)) of the screen at least part of the current play list (see fig 10 and paragraph 0098),

determining a track (see fig 9 (much music rock blocks)) to be considered upon a first action introduced by a user (see fig 9, paragraph 0007, lines 12-15),

indicating the track to be considered by a specific representation in the first area (fig 9 (910)) of the track to be considered (see fig 9, paragraph 0094).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al.'s invention with the above mentioned limitation as taught by Schrader et al. for the advantage of enabling multiple viewers to simultaneously experience completely different video and audio streams.

However, Van Ryzin et al. and Schrader et al. fail to specifically disclose several occurrences of the same track in the play list.

Lee et al. discloses several occurrences of the same track in the play list (see col. 16, lines 62-col. 17, line 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al. and Schrader et al.'s invention with the above mentioned limitation as taught by Lee et al. for the advantage of enabling a plurality of client computers to establish and share a common dynamic content experience.

Regarding **claim 7**, Van Ryzin et al. discloses an audio and or video apparatus having a media reader to read a medium where the data are organized in tracks (see col. 6, lines 38-42 and fig 2), and a memory able to store a play list (see col. 3, lines 2-5), comprising:

control means for removing the track to be considered, the last occurrence of the track to be considered in the play list upon receiving a signal introduced by the user from the user interface (see fig 6 (45) and col. 5, lines 20-46).

However, Van Ryzin et al. fails to specifically disclose video means generating video signals defining a screen with a first area displaying a representation of at least part of the tracks and a second area displaying at least part of the play list,

a user interface for receiving a first signal determining a track to be considered, wherein the video means are meant to indicate the track to be considered by generating video signals defining a specific representation in the first area of the track to be considered and several occurrences of the same track in the play list.

Schrader et al. discloses video means generating video signals defining a screen with a first area (see fig 101010)) displaying a representation of at least part of the tracks (making the video: snoop Dogg, Artist's Favorites: Moby etc) (see fig 10 and paragraph 0099) and a second area (see fig 10 (1020)) displaying at least part of the play list (see fig 10 and paragraph 0098),

a user interface for receiving a first signal determining a track (see fig 9 (much music rock blocks)) to be considered (see fig 9, paragraph 0007, lines 12-15),

wherein the video means are meant to indicate the track to be considered by generating video signals defining a specific representation in the first area (fig 9 (910)) of the track to be considered (see fig 9, paragraph 0094).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al.'s invention with the above

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mentioned limitation as taught by Schrader et al. for the advantage of enabling multiple viewers to simultaneously experience completely different video and audio streams.

However, Van Ryzin et al. and Schrader et al. fail to specifically disclose several occurrences of the same track in the play list.

Lee et al. discloses several occurrences of the same track in the play list (see col. 16, lines 62-col. 17, line 11) and a second signal introduced by the user interface (see col. 8, lines 54-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Van Ryzin et al. and Schrader et al.'s invention with the above mentioned limitation as taught by Lee et al. for the advantage of enabling a plurality of client computers to establish and share a common dynamic content experience.

Regarding **claims 2, 5 and 8**, Van Ryzin et al., Schrader et al. and Lee et al. discloses everything claimed as applied above (*see claims 1, 4 and 7*).

Schrader et al. discloses a method wherein the first action is action introduced on a remote-control sending signals to the apparatus (see paragraph 0086).

Van Ryzin et al. discloses a second user action (see fig 6 (45) and col. 5, lines 20-46).

Regarding **claims 3, 6 and 9**, Van Ryzin et al., Schrader et al. and Lee et al. discloses everything claimed as applied above (*see claims 1, 4 and 7*).

Schrader et al. discloses a method wherein said specific representation of the track to be considered is highlighting the representation in the first area of the track to be considered (see fig 12 (1214) and paragraph 0100).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Nnenna N. Ekpo/
Patent Examiner
February 25, 2009.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425